

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JOHN PAUL GALBRAITH, #1473442
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VS.
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DIRECTOR, TDCJ-CID
§

CIVIL ACTION NO. 4:24cv1059

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Aileen Goldman Durrett, who issued a Report and Recommendation (“the Report”) concluding that the petition for writ of habeas corpus should be dismissed without prejudice as a successive petition.¹ No objections were timely filed.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The Court concludes the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** that the petition for a writ of habeas corpus is **DISMISSED** without prejudice to Petitioner's right to file a motion for leave to file a successive 28 U.S.C. § 2254 petition in the United States Court of Appeals for the Fifth Circuit. He may not refile the petition without first obtaining such permission, and the dismissal of the present case shall have no effect upon Petitioner's right to seek permission from the Fifth Circuit to file a second or successive petition.

¹ The records of the Fifth Circuit Court of Appeals show that Petitioner's motion for permission to file a successive petition was denied on December 12, 2024, and his motion for reconsideration was denied on February 10, 2025. *In re: John Paul Galbraith*, No. 24-40725.

It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

IT IS SO ORDERED.

SIGNED this 12th day of June, 2025.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE